IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR.

S.B. CIVIL WRIT PETITION NO.5920/2004

State of Raj. vs. L.Rs. Of Mohammed Ali.

Date : 6.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Shyam Ladrecha, Dy.GA. for the petitioner State.

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Heard learned counsel for the petitioner.

It appears from the facts of the case that the land was allotted to the non-petitioner vide order dated 20.10.1986 under the provisions of Rajasthan Industrial Area Allotment Rules, 1959 (for short “the Rules of 1959”). The said allotment was cancelled by the District Collector vide order dated 6.1.1988. The cancellation order was challenged by the non-petitioner by filing an appeal before the Revenue Appellate Authority (II), Jodhpur which was dismissed vide order dated 25.11.1988. Against this order, the non-petitioner filed an appeal before the Board of Revenue which was allowed partly vide order dated 17.10.1994 and the matter was remanded back for deciding afresh after giving opportunity of hearing to the non-petitioner.

The District Collector, Jalore, after remand and after hearing the non-petitioner, held that the land in dispute is falling within the municipal limits,

therefore, the land could not have been allotted to the non-petitioner under the Rules of 1959 for the industrial purposes. This order dated 14.7.1998 was challenged by the non-petitioner before the Settlement Officer-cum-Revenue Appellate Authority, Sirohi Camp Jalore. The appellate authority held that the Collector allotted the land to non-petitioner after obtaining reports from Tehsildar, Bhinmal and after obtaining no-objection from Sarpanch, Gram Panchayat in which according to the petitioner, the land is situated. Contrary to it, only on the basis of one letter of S.D.O., Bhinmal, Without there being any other documentary evidence, the Collector held that the land is falling within the municipal limits. Consequently, the Revenue Appellate Authority set aside the order of Collector dated 14.7.1998 and upheld the allotment of land to the non-petitioner. Being aggrieved by the order dated 31.3.1999, the petitioner State preferred an appeal before the Board of Revenue which was delayed by more than 18 months. The Board of Revenue after considering the reasons given for condonation of delay held that the State has failed to disclose any sufficient reason for condonation of delay and dismissed the said application and consequently, the appeal filed by the petitioner vide its judgment dated 8.4.2003. The review petition against this judgment was also dismissed on 8.9.2003. Hence, this writ petition.

I have perused the facts of the case and it

appears that the petitioner State even submitted application for obtaining certified copy of the order after six months and failed to disclose any reason for condonation of delay. The Board of Revenue, therefore, rightly held that the appeal has been filed after more than 18 months and there is no reason for condonation of delay. The review petition was also dismissed. In the totality of circumstances, I do not find any illegality committed in the orders passed by the courts below so as to interfere in the same while exercising the writ jurisdiction.

In view of the above, this writ petition having no force is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya